

**UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
JACKSONVILLE DIVISION**

Case No.: 3:11-bk-8356
Chapter 13

In Re:
Gary William Myer and
Melissa Michelle Myer
Debtor(s)

CHAPTER 13 PLAN

The debtors submit the following Chapter 13 Plan:

1. The future earning of the debtors are submitted to the supervision and control of the Trustee, and the debtors shall pay to the Trustee the sum of \$2674.88 per month for a period of sixty (60) months.
2. From the payments so received, the Trustee shall make disbursements as follows:
 - a. Priority Claims.
 - i. The fees and expenses of the Trustee shall be paid over the life of the plan at the rate of ten percent (10 %) of the amount of all payments under the plan.
 - ii. The Debtors' Attorney, LaBella Law, shall be paid \$2551.00 in attorney's fees. The Trustee shall pay the Debtor's Attorney at a rate of \$600.00 per month for months one through four (1-4) of the plan and \$151.00 for month five of the plan, for a total payment of \$2551.00 to pay the balance in full.
 - iii. The Debtor's attorney, LaBella Law, shall be paid an administrative fee of \$25.00 per month over the life of the plan.
 - iv. The **Internal Revenue Service** has a priority claim for income taxes for the years 2009 \$2,586.60. This creditor shall receive \$43.11 over the life of the plan.

b. Secured Claims.

- i. **Wells Fargo Home Mortgage** holds a first mortgage on the debtor's principal residence located at 2939 Biloxi Trail, Middleburg, Florida. The Trustee shall make the regular monthly payments of \$1,485.00 over the life of the plan.

The Debtor(s) are currently \$1,485.00 in arrears on their first mortgage payment, which includes late charges. The Trustee shall pay the creditor \$24.75 per month for months one through sixty (1-60) toward the arrearage to bring the mortgage payments current over a sixty (60) month period.

- ii. **Capital One Auto** holds a lien on the debtor(s) 2003 Ford Mustang. The balance on this account is \$10,113.00. This debt shall be re-amortized and paid in full over the life of the plan with interest accruing at a rate five percent (5%), which has been figured into the following payment schedule. The Trustee shall make regular monthly payments of \$190.84 over months one through sixty (1-60) of the plan to pay this debt in full.

c. Unsecured Claims.

- i. **Unsecured creditors**, including those secured creditors who have deficiency claims or whose liens have been avoided and who timely file proofs of claim shall receive distribution pro-rata. The Trustee shall distribute pro rata each month among those unsecured creditors whose claims are timely filed and allowed. If all unsecured creditors file claims, each will receive payments totaling 70 % of his claim.
- ii. Any claim filed after claims bar date shall receive no distribution under this plan, unless specifically provided for above.
- iii. The debtors do not reject any executory contracts.

- iv. Title to all property of the estate shall revert in the debtors upon confirmation of this plan.
- v. *Except as provided for in the plan, the order confirming the plan or other court order, no interest, late charges, penalties or attorney's fees will be paid to or accessible by any secured creditor. 11 U.S.C. Section 1327(a) provides:*

“The provision of a confirmed plan bind the debtors and each creditor, whether or not the claim of such creditor provided for by the plan, and whether or not such creditor has objected to, has accepted, or has rejected the plan.”

Once Debtor successfully complete the Chapter 13 plan and a discharge is entered by the Court, NO SECURED CREDITOR WILL BE ALLOWED TO ADD LATE CHARGES, PENALTIES, INTEREST OR ATTORNEY’S FEES FROM THE BEGINNING OF TIME THROUGH THE DATE OF DISCHARGE.

Dated this 16th day of November, 2011.

/s/ John J. Freeman
John J. Freeman
Florida Bar #58618
LaBella Law, P.L.
1665 Kingsley Avenue, Suite 108
Orange Park, Florida 32073
Phone: (904) 541-1643
Fax: (904) 541-1676
Attorney for Debtor